

In re) Fair Hearing No. 16,767
)
Appeal of)

The petitioner appeals a decision by the Department of PATH denying her application for VHAP based on excess income.

1. The petitioner lives with her husband and their minor child.¹ The petitioner's husband has income, before taxes, of \$575 per week from his employment. The petitioner is also employed and makes between \$160 and \$216 a week. The petitioner does not dispute that their monthly gross income averages \$3,290.

¹ Their child recieves medical coverage through the Dr. Dynasaur program.

3. At a hearing held on December 6, 2000 the petitioner did not contest these figures, but took issue with the facts that the program does not allow over-income families to pay premiums or incur deductibles that will allow them to become eligible.

ORDER

The decision of the Department is affirmed.

REASONS

The VHAP regulations count gross earned income in determining eligibility subject only to specific deductions found in the regulations. W.A.M. § 4001.81. Under the VHAP program, gross earned income from wages is subjected to a \$90 disregard before eligibility is determined. W.A.M. § 4001.81(e). Remaining income is compared with the VHAP maximum, which is 150% of the poverty line. W.A.M. § 4001.84. The current maximum for a three-person household under VHAP is \$2,182. P-2420(B)(6). There are no provisions in the regulations for the payment of premiums or deductibles for over-income families to become eligible.

Because the petitioner's household's net income is well in excess of the program maximum she and her husband cannot be found eligible for VHAP. As the Department's determination to

this effect was consistent with its regulations, the Board must uphold it. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

#